

SHOOK, HARDY & BACON LLP

B. Trent Webb, Esq. (*pro hac vice*)

Peter Strand Esq. (*pro hac vice*)

Ryan D. Dykal Esq. (*pro hac vice*)

2555 Grand Boulevard

Kansas City, Missouri 64108-2613

Telephone: (816) 474-6550

Facsimile: (816) 421-5547

bwebb@shb.com

Robert H. Reckers, Esq. (*pro hac vice*)

600 Travis Street, Suite 3400

Houston, Texas 77002

Telephone: (713) 227-8008

Facsimile: (731) 227-9508

rreckers@shb.com

GREENBERG TRAURIG

Mark G. Tratos, Esq. (Nevada Bar No. 1086)

Brandon Roos, Esq. (Nevada Bar No. 7888)

Leslie Godfrey, Esq. (Nevada Bar No. 10229)

3773 Howard Hughes Parkway

Suite 400 North

Las Vegas, NV 89169

Telephone: (702) 792-3773

Facsimile: (702) 792-9002

tratosm@gtlaw.com

roosb@gtlaw.com

godfreyl@gtlaw.com

LEWIS AND ROCA LLP

W. West Allen (Nevada Bar No. 5566)

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

Tel: (702) 949-8200

Fax: (702) 949-8398

WAllen@LRRLaw.com

GIBSON DUNN & CRUTCHER LLP

Lauren Blas

Blaine H. Evanson

333 S. Grand Ave., 47th Floor

Los Angeles, California 90071

Telephone: 213-229-7000

Facsimile: 213-229-7228

bevanson@gibsondunn.com

GIBSON DUNN & CRUTCHER LLP

Joseph A. Gorman

555 Mission Street

San Francisco, California 94105

Telephone: 415-393-8296

jgorman@gibsondunn.com

GIBSON DUNN & CRUTCHER LLP

Mark A. Perry

1050 Connecticut Avenue N.W.

Washington, D.C. 20036-5306

RIMINI STREET, INC.

Daniel B. Winslow

6601 Koll Center Parkway, Suite 300

Pleasanton, California 94566

Telephone: 925-264-7736

DWinslow@riministreet.com

Attorneys for Defendants

Rimini Street, Inc., and Seth Ravin

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANTS' MOTION FOR
LEAVE TO FILE UNDER SEAL
PORTIONS OF DEFENDANTS'
MOTION FOR LEAVE TO FILE
REPLY IN SUPPORT OF THEIR
MOTION TO EXCLUDE EXPERT
TESTIMONY OF ELIZABETH A.
DEAN AND ACCOMPANYING
(PROPOSED) REPLY BRIEF**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*See* Dkt. 55, "Protective Order"), Local Rule 10-5(b) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin ("Rimini") respectfully requests that the Court grant leave to file under seal portions of the Motion for Leave to File Under Seal Portions of Defendants' Motion for Leave to File Reply in Support of Their Motion to Exclude Expert Testimony of Elizabeth A. Dean and accompanying (proposed) Reply brief ("Motion for Leave to File Reply"). A public, redacted version of the Motion for Leave to File Reply and the (proposed) Reply were filed on July 9, 2015. Additionally, on July 9, 2015, the unredacted version of the (proposed) Reply were filed under seal.

The Protective Order provides that: "Counsel for any Designating Party may designate any Discovery Material as "Confidential Information" and as "Highly Confidential Information-Attorneys' Eyes Only" under the terms of the Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as "Confidential Information" or "Highly Confidential Information- Attorneys' Eyes Only" shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation". Protective Order at Paragraph 2.

1 The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many
2 types of information, including, but not limited to, trade secrets or other confidential research,
3 development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th
4 Cir. 2002) (citations omitted).

5 Sealing portions of the (proposed) Reply is requested because it cites Exhibits which have
6 already been filed Under Seal in this action. These Exhibits, and the information referenced in
7 Rimini’s Reply, include portions of Oracle’s damages expert report of Elizabeth Dean, and
8 interrogatory responses, which include information marked Highly-Confidential Information—
9 Attorneys’ Eyes Only by Oracle. If disclosed, this information, which includes Oracle customer
10 revenue data and financial data, could competitively harm Oracle. The Protective Order provides
11 that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential
12 Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this
13 Protective Order **only if such counsel in good faith believes that such Discovery Material**
14 **contains such information and is subject to protection under Federal Rule of Civil Procedure**
15 **26(c).** The designation by any Designating Party of any Discovery Material as ‘Confidential
16 Information’ or ‘Highly Confidential Information –Attorneys’ Eyes Only’ shall constitute a
17 representation that an attorney for the Designating Party reasonably believes there is a valid basis for
18 such designation.” Protective Order ¶ 2 (emphasis supplied).

19 Rimini has submitted all other portions of the Motion for Leave to File Reply, as well as the
20 (proposed) Reply, for filing in the Court’s public files, which would allow public access to the
21 filings except for the documents designated as Confidential or Highly Confidential due to the
22 descriptions of Exhibits previously filed Under Seal. Accordingly, the request to seal is narrowly
23 tailored.

24 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file
25 portions of the Motion for Leave to File Reply and the accompanying (proposed) Reply under seal.
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1 DATED: July 9, 2015

SHOOK, HARDY & BACON

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3 By: /s/ Robert H. Reckers

Robert H. Reckers, Esq.

4 Attorneys for Defendants

5 Rimni Street, Inc. and Seth Ravin

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8 **CERTIFICATE OF SERVICE**

9 I hereby certify that on the 9th day of July, 2015, I electronically filed the foregoing
10 document with the clerk of the court for the U.S. District Court, District of Nevada, using the
11 electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to
12 the attorneys of record who have consented in writing to accept this Notice as service of this
13 document by electronic means.

14
15 By: /s/ Robert H. Recker

Robert H. Reckers